

Appl. No. 10/526297
Reply to Office Action dated 3/1/2005

Remarks

Favorable reconsideration and reexamination of this application are respectfully requested. Claims 1 and 13 have been amended as supported by pages 12-14 of the specification and Figs. 5-6. Claims 1, 3, 5-7, 9-18 are pending.

Claims 1, 3, 5-7, 9, 10, 13, 15 and 16 have been rejected as unpatentable over Gibson in view of Ray. Applicants respectfully traverse the rejection.

Claim 1 requires a test kit having water absorbent carrier, penetration layer and coloration pads. An upper surface of the water absorbent carrier is in contact with a lower surface of the penetration layer. A lower surface of the coloration pads is in contact with an upper surface of the penetration layer. The penetration layer allows sample liquid to penetrate in the thickness direction while avoiding spreading in the planar direction of the penetration layer. The test kit is configured so that sample liquid supplied to the water absorbent carrier first is transferred to the penetration layer and then to the coloration pads through the penetration layer. Claim 13 is a method of making claim with features tracking those of claim 1, and the distinctions noted for claim 1 apply to claim 13 as well.

Gibson fails to teach or suggest any element corresponding to the water absorbent carrier, much less the relationship between the water absorbent layer, penetration layer and coloring layer recited in claims 1 and 13, or a test kit in which sample liquid supplied to the water absorbent carrier first is transferred to the penetration layer and then to the coloration pads through the penetration layer. The rejection relies on elements 114 and 118 in Fig. 4I of Ray to suggest a water absorbent carrier that can be used with a penetration layer. However, in Ray, the sample is provided to the application member 114, which delivers the sample to the separation member 118, which is disposed in an aperture in an impermeable spacer 117. The separation member is intended to retain part of the sample and deliver another part of the sample (col. 18, lines 3-7). The separation member is in contact with a wicking bridge that fluidly connects to the collection member 119, on which the portion of the sample can be retained for analysis (col. 17, lines 7-19). This fails to suggest a test kit with the arrangement of water absorbent carrier, penetration layer and coloration pads required by claims 1 and 13, nor a test kit that delivers sample liquid in the manner set forth in claims 1 and 13.

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Therefore, the combination of the reference disclosures fails to meet the features of claims 1 and 13. The rejection should be withdrawn.

Claims 11, 12, 17 and 18 have been rejected as obvious over Gibson in view of Ray and Iwata. Applicants respectfully traverse this rejection. Iwata does not remedy the deficiencies of Gibson and Ray, and the rejection should be withdrawn for this reason alone. Applicants do not concede the relevance of Iwata to the features of claims 11, 12, 17 and 18, or the suitability of the references for combination.

Applicants respectfully request favorable reconsideration of this application in the form of a Notice of Allowance. If any questions arise regarding this communication, the Examiner is invited to contact Applicants' representative listed below.

Respectfully submitted,



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By: A handwritten signature in black ink, appearing to read "DPM/mz".
Douglas P. Mueller
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DPM/mz